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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,964	06/07/2001	Keiichi Nitta	109715	5968
25944	7590	09/10/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			TRAN, NHAN T	
			ART UNIT	PAPER NUMBER
			2615	
DATE MAILED: 09/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/874,964	Applicant(s) NITTA ET AL.	
	Examiner Nhan T. Tran	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/7/2001 & 10/3/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/7/01; 10/3/01; 8/29/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 5-7, 10, 12 & 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Koide Yuji (JP 2000-134531).

Regarding claim 1, Koide discloses an image capturing system comprising:

an image capturing element (CCD 104; Fig. 1) that captures an image of a subject and outputs image information;

a storage circuit (memories 107-109) in which image information is stored; a switch (SW1, SW2) through which a start instruction to start internal access (writing/capturing) to the storage circuit in response to an operation performed by a user is issued (see Fig. 1, [0024]);

an interface (I/F 112) that enables communication with an external apparatus (see Fig. 1 and [0027]);

a control circuit (114, 115; [0026]) that interrupts external access (e.g., reading an image for transmission requested from a computer 113) and executes internal access (writing/capturing

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a new image) to the storage circuit when the start instruction (issued in response to capture switch SW2) is received during the external access in which the external apparatus accesses the storage circuit via the interface (see Abstract, [0008], [0027]-[0034]).

Regarding claim 2, it is clear that the start instruction is an instruction for starting a write of image information output by the image capturing element; and the image information from the image capturing element is written into the storage circuit through internal access (see [0024]).

Regarding claim 5, also disclosed is image information recorded in the storage circuit is read out to the external apparatus via the interface through external access (see [0027]).

Regarding claim 6, Koide further discloses that the control circuit disallows external access until internal access following an interruption of external access is completed (see Abstract and [0008]).

Regarding claim 7, it is seen in Koide that the control circuit executes internal access and external access alternately (assuming the user tries to capture two or more images at different time intervals during the transmission time of an image to the computer) until internal access following an interruption of external access is completed. It is noted that the interpretation of this claim is based on the fact that “internal access” and “external access” are open to be interpreted broadly since the limitation “internal access” is not linked together, neither the “external access.”

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Regarding claim 10, see the analysis of claim 6.

Regarding claim 12, Koide also discloses in the Abstract, Fig. 4 and paragraph [0032] a buffer (107) in which a portion of image information (an image packet of 64Bytes) stored in the storage circuit is temporarily stored before the image information stored in the storage circuit is read out to the external apparatus via the interface, wherein the control circuit outputs the portion of the image information stored in the buffer to the external apparatus via the interface when an image information transfer request (REQ_DATA) is issued by the external apparatus before internal access following an interruption of external access is completed.

Regarding claim 13, see the analysis of claim 1. Furthermore, Koide also anticipates a computer readable recording medium having recorded therein a control processing program for an image capturing system to function as hardware equivalent (see [0059]-[0060]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 3, 4, 8, 9 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koide Yuji (JP 2000-134531) in view of Lourette et al (US 5,978,016).

Regarding claim 4, Koide fails to teach that image information received from the external apparatus via the interface is written into the storage circuit through external access. Lourette teaches a bi-directional communication link between a digital camera and a computer via an interface for transferring image files **from and to** a digital camera, wherein image data that is downloaded from the camera to the computer is edited in the computer, and thereafter, the edited image data is **transferred back** to the camera from the computer to update the images contained in the memory card of the camera (see Figs. 6 & 19; col. 21, lines 24-35).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Koide's imaging system by including the teaching of Lourette to not only transmitting the image data to computer but also using the computer to enhance the image data and then transferring the enhanced image data back to the camera to update the image files in the memory card since the utilization of the computer to perform editing operations provides the advantage of having more advanced processing power available to perform editing function and a larger monitor making it easier to view the edited images (see Lourette, col. 21, lines 48-52).

Regarding claim 3, Koide discloses that the start instruction is generated in response to the user's input at operating members SW1, SW2 of the camera as analyzed in claim 1. However, Koide fails to disclose a display storage circuit employed to output image information stored in the storage circuit to a display device, wherein: the start instruction is an instruction for

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updating image information stored in the display storage circuit; and image information stored in the storage circuit is read out to the display storage circuit through internal access. Lourette teaches a digital camera including a plurality of operating members (Fig. 5), a display device (36) and a working memory (124) that serves as a main buffer for the display device to buffer a next image to be displayed (updating with a next stored image) read out from the fixed memory (126) or the removable memory (at connector 130) in response to scrolling instruction input from one of the operating members as a start instruction for the image updated to the next during review of the images on the display device. See col. 9, lines 60 – col. 10, line 19 and col. 15, lines 15-40.

Therefore, it would have been obvious to one of ordinary skill in the art to improve the imaging system in Koide by providing a display device, a corresponding display main buffer and additional operating members in the imaging system so that the user would be able to manipulate the imaging system via the plurality of operating members to issue an access command not only for capturing of images but also for reviewing of images during communication link between the camera and the computer.

Regarding claim 8, it is also clear that the control circuit inherently outputs internal access end information to the external apparatus via the interface based upon a fact that internal access following an interruption of external access is completed to resume the transmission of image data to the computer (after two periods of WAIT_DATA following the SW2_ON_EVENT). See Fig. 4 and [0008], [0055]-[0058]. It should be noted that the

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REPLY_DATA is an image data packet of 64 Bytes that is transmitted from the memory of the camera to the computer as described in [0037].

Regarding claim 9, the combination of Koide and Lourrete also encompasses the control circuit that interrupts external access, and outputs access restart time information indicating when communication with the external apparatus is allowed to resume, to the external apparatus via the interface (see Koide [0008] wherein the access restart time is the instant time to resume the transmission).

Regarding claim 11, see the analysis of claim 9.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



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